

**REGULAR MEETING OF Tuesday, April 26, 2011
CITY COUNCIL CHAMBERS, ONE TWIN PINES LANE AND
HOLIDAY INN EXPRESS BUSINESS CENTER, 2300 WEST SELTICE WAY, COEUR
D'ALENE, IDAHO (Teleconference location of Councilmember Wozniak)**

SPECIAL MEETINGS

CLOSED SESSION - 7:00 P.M.

- A. Conference with Labor Negotiator, Greg Scoles, pursuant to Government Code Section 54957.6: BPOA; MMCEA, AFSCME, Unrepresented Management
- B. Conference with Real Property Negotiator Scoles pursuant to Government Code Section 54956.8: One Parcel: APN 043-211-240

Attended by Councilmembers Feierbach, Warden, Braunstein, Councilmember Wozniak (via teleconference), City Manager Scoles, Interim City Attorney Kane, Special Counsel Colantuono Human Resources Director Dino. Deputy City Clerk Plut was excused from attending.

ADJOURNMENT at this time being 7:45 P.M.

**Jozi Plut
Belmont Deputy City Clerk**

This meeting was not tape recorded or videotaped

**REGULAR MEETING –
CALL TO ORDER 7:50 P.M.**

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Warden, Lieberman, Wozniak (via teleconference), Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, Interim City Attorney Kane, Finance Director Fil, Special Counsel Colantuono, Human Resources Director Dino, Police Chief Mattei, Police Captain DeSmidt, Community Development Director de Melo, Parks and Recreation Director Gervais, City Treasurer Violet, Fire Chief Fry, Deputy City Clerk Plut

PLEDGE OF ALLEGIANCE

Led by City Manger Scoles

REPORT FROM CLOSED SESSION

Interim City Attorney Kane stated that direction was given but no action was taken during the earlier closed sessions.

SPECIAL PRESENTATIONS

Oath of Office for Denise Ballard, Police Dispatcher

Deputy City Clerk administered the Oath of Office to Police Dispatcher Denise Ballard.

Police Captain DeSmidt introduced Officer Ballard and provided a brief background of her education and police dispatch experience. He introduced her family and invited her daughter Emily to pin Officer Ballard's badge.

Presentation of Proclamation to Outgoing Belmont Representative, Robert Blake, on the San Mateo County Mosquito and Vector Control District

Mayor Feierbach read and presented a Proclamation to outgoing Belmont Representative, Robert Blake, on the San Mateo County Mosquito and Vector Control District. She thanked him for his years of service to the City of Belmont.

Mr. Blake accepted the proclamation and thanked the Mayor and Council for their recognition.

Proclamation Declaring Mosquito and Vector Control Awareness Week

Mayor Feierbach read and presented proclamation to Robert Gay.

Robert Gay, Manager of the San Mateo County Mosquito and Vector Control District, accepted the Proclamation. Mr. Gay provided a brief explanation of the services that the Mosquito and Vector Control District provides. He thanked Mr. Blake for his years of service and introduced Donnell O'Conner, the newly appointed Belmont Representative to the San Mateo County Mosquito and Vector Control District.

Proclamation for Arbor Day

Mayor Feierbach read and presented the proclamation to recipients representing the 4-H Club.

Julian and Niko Levy and Nickolas Reed accepted the proclamation and thanked the Council. Julian described various 4-H tree projects and thanked the Belmont Parks and Recreation Department for its support.

PUBLIC COMMENTS AND ANNOUNCEMENTS

George Burgess, Belmont Chamber of Commerce, stated that he attended the Progress Seminar conducted by the San Mateo County and Redwood City Chamber. He explained that the funding of the Public Employee Pension Plan was a topic of discussion.

John Violet, Belmont Library, outlined the upcoming fifth anniversary celebration of the Belmont Library.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Feierbach stated that a ribbon cutting ceremony would be held for the newly built Semeria Park on May 7th. She announced the Belmont Parks and Recreation Department Online Survey for the departments programs and encouraged residents to log in and take the survey. She announced the upcoming San Mateo County 7th annual Disaster Preparedness Day. She stated that the City is in the final stages of hiring a Public Works Director.

Councilmember Braunstein announced that the Grand Opening of the Volkswagen Offices is April 29th.

AGENDA AMENDMENTS

Councilmember Braunstein requested the removal of Consent Item 4-A (Minutes of Special Meeting of February 28, 2011) from the Consent Agenda for comment and Consent Item 4-D (Resolution Approving the New Classification of City Attorney) for separate consideration.

Mayor Feierbach noted that agenda items were out of sequence due to clerical error and clarified the numbering of the agenda items.

ITEMS APPROVED ON CONSENT CALENDAR

Motion to Accept Informational Report Regarding the Bike Bridge Project

Approval of Resolution 10351 Authorizing the City Manager to Execute a Construction Contract for the Storm Drain Inlet Upgrade Project for an Amount not to Exceed \$24,800

Approval of Resolution 10352 Authorizing a Purchase Order to CompuCom Systems in the Amount of \$23,953.30 for the Fourth Installment of a Five Year Microsoft Enterprise Agreement

Approval of Resolution 10353 Approving the Purchase of Four Solar Flashing Signs on Ralston Avenue between Sixth Avenue and South Road for an Amount not to Exceed \$8,277

Approval of Resolution 10354 Authorizing a Purchase Order for Thermoplastic Striping at Various Locations throughout the City for an Amount not to Exceed \$25,000

Approval of Resolution 10355 Approving a Professional Services Agreement with Schaaf & Wheeler for an Amount not to Exceed \$67,000 and Additional 10% Contingency of \$6,700 for the Design of the 2011 Storm Drain Improvement Project, City Contract Number 510

Approval of Resolution 10356 Amending Senior Congregate Nutrition Program Agreement

Approval of Resolution 10357 Approving Administrative Services and Adoption Agreements with ICMA-RC Establishing a 401(A) Money Purchase Plan

ACTION: On a motion by Councilmember Warden, and seconded by Councilmember Braunstein the Consent Agenda was unanimously approved, as amended, by a roll call vote.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Minutes of Special Meeting of February 28, 2011

Councilmember Braunstein explained that he accepts the clarification that City Clerk Cook made. For the record he clarified that he intended to say that he felt that the type of questions asked of the Planning Commission Candidate were acceptable, but that he thought it took too long to ask the question.

ACTION: On a motion by Councilmember Braunstein, and seconded by Councilmember Warden the Minutes of Special Meeting of February 28, 2011 were unanimously passed as noted by a roll call vote.

Ordinance Amending Sections 2.94, 2.96, 8.2.6, 8.2.8 and 8.3.2(a) and 8.3.2(b) of Belmont Zoning Ordinance 360 as it relates to semi-circular driveways and access to parking spaces within residential districts (2nd reading and adoption)

Community Director de Melo briefly noted that the final ordinance reflects changes as directed by the Council at the first reading.

In response to Councilmember Lieberman's questions, Community Development Director de Melo clarified that a legally-constructed semicircular driveway installed prior to 1996 can remain and will not be affected by the new ordinance.

Charles Goodwin, Belmont resident, asked for clarification on whether his driveway built in 1994 would remain legal after the passing of the proposed ordinance.

In response to Mr. Goodwin, Mayor Feierbach clarified that his semi-circular driveway would not be affected by the newly proposed ordinance.

Norm Tidd, Belmont resident, expressed concern regarding neighborhood reaction to the proposed ordinance, and described a letter from the Belmont Police Department regarding neighborhood behavior arising in respect to the semi-circular driveways.

Charles Rinaldi, Belmont resident, stated that the original ordinance adopted, in 1976 and readopted in 1996 with no changes, addressed circular driveways. He stated that the proposed ordinance addresses semi-circular driveways. He stated that semi-circular driveways have been built since 1996. He questioned the measurement of setbacks and property line dimensions needed for construction of a semi-circular driveway. He stated that after being denied a variance for his semi-circular driveway, he requested the Council amend the ordinance and consider grandfathering existing semi-circular driveways built after 1996, regardless of setback or lot line measurements.

Community Development Director de Melo clarified the use of the terms circular and semi-circular driveway. He stated that one purpose of the proposed ordinance would be to clarify that language. He stated that it is not the practice for the City to include a grandfather clause in an ordinance. He stated that a policy decision could be made by Council to make the ordinance either prospective or retroactive.

Discussion ensued regarding the definition of circular and semi-circular driveways.

Community Development Director de Melo clarified that a property with a semi-circular driveway is a property with two curb cuts and two driveway entrances that connect to create a semi-circle on the property frontage.

Jack Bunzel, Belmont resident, questioned the issue of grandfathering. He summarized the chronology of contact from the City of Belmont to a property owner regarding the notices and enforcement of removing the semi-circular driveway on the property. He stated that the semi-circular driveway should be focused on necessity of the property due to safety.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Wozniak Ordinance 1056 Amending Sections 2.94 (Definitions – Parking Area Private), 2.96 (Definitions – Parking Space), 8.2.6 (Location of Required Parking Facilities), 8.2.8 (Semi-Circular Driveways), and 8.3.2(A) & (B) (Access) of Belmont Zoning Ordinance Number 360 was adopted by a roll call vote (3-2 Lieberman/Braunstein no).

Councilmember Lieberman stated that the lot width and setbacks requirements are too large for busy streets.

In response to Councilmember Warden Community Director de Melo stated that if a physical hardship exists, such as not having a good or safe means of access on a busy street, a variance could be sought.

Councilmember Braunstein stated that the setbacks and lot widths are unnecessarily large. He stated that there are some situations that do not meet those parameters but could accommodate a circular driveway.

Resolution Approving the New Classification of City Attorney

Councilmember Braunstein stated that he is hopeful that the proposal to bring City Attorney services in house is successful but that he is not convinced that it is the right direction.

ACTION: On a motion by Councilmember Warden, seconded by Mayor Feierbach, Resolution 10358 Approving the New Classification of City Attorney was approved by a roll call vote (4-1, Braunstein no).

OLD BUSINESS

Discussion & Direction Regarding the Sustainable Communities Strategy (SCS) and Initial Vision Scenario (IVS)

Community Development Director de Melo provided an overview of the Sustainable Communities Strategy. A supplement of the Regional Housing Needs Assessment is prepared in advance of new

regional housing elements. He stated that the report looks at job and housing balance, sustainability and other factors, and is an aid in informing local cities on sustainable strategies and redevelopment.

He stated that based on the information given to the cities, population is going to increase dramatically. He stated that it is uncertain that the cities will have the resources to accommodate the growth in zoning, land, and infrastructure. He explained that Belmont needs to demonstrate that it can accommodate 550 to 600 units. He noted Belmont recently adopted a housing element that demonstrates adequate sites for 399 units.

Discussion ensued regarding sustainable communities.

Councilmember Wozniak stated that she is not certain Belmont can sustain that much additional growth due to infrastructure shortfalls.

Mayor Feierbach stated that school boundaries are a problem and not addressed in the report.

Councilmember Warden stated that he does not support zoning changes to support higher densities because other problems will arise.

Councilmember Braunstein stated that the proposed growth is not appropriate for Belmont and will make for a loss of character for Belmont.

Councilmember Lieberman stated that he supports preparing for the growth in Belmont and in surrounding cities. He stated that continuing work on Belmont's Economic Plan and downtown development west of 101 is a step in the right direction to accommodate growth.

At this time Councilmember Wozniak signed off from teleconference.

Tree Ordinance Review and Update

Parks and Recreation Director Gervais summarized the proposed changes to the tree ordinance. He stated that the current ordinance creates confusion over tree species, size and protected status. He stated that the current ordinance contains no public notice requirement which has resulted in resident calling the City to report tree removal which may have been approved.

He explained that the new ordinance will provide a clear definition of a protected tree and it will require a permit posting requirement and tree replacement. He stated that a Tree Board will include two Planning Commissioners, two Parks and Recreation Commissioners as well as an at-large member from the public. He indicated that the new ordinance proposes an administrative permit fee to recover costs.

In response to Councilmember Lieberman Parks and Recreation Director Gervais stated that the two-day posting requirement is to mitigate unpermitted tree removal during a weekend.

Discussion ensued regarding the permit posting requirement.

Councilmember Warden stated that he supports a nominal permit fee to cover staff cost. He does not support a permit requirement for certain trees as acacias.

Parks and Recreation Director Gervais stated that fines have been levied and site visits have been conducted with police presence. He stated that more outreach is needed regarding the proposed new tree ordinance. He stated that it is the intent of Tree Board to become the spokesperson for the ordinance and the benefits of trees.

Discussion ensued regarding the selection process of the at-large Tree Board member. Parks and Recreation Director noted that an ideal candidate would have an arborist's background.

Parks and Recreation Director Gervais stated that the Tree Board would set the direction of the replacement of a cut tree in relation to species and size.

Mayor Feierbach suggested that stump removal be addressed in the ordinance.

Gladwyn d'Souza, Belmont resident, suggested that the ordinance should include a healthy city goal and pollen counts should be included in what is permitted. He stated that non-native pollen bearing trees are a health concern and should be discouraged.

Kevin Sullivan, Belmont resident, stated that he supports the proposed tree ordinance and the goals that are set by the document. He explained that the simplification of acquiring a permit and the posting requirements are key. He stated that the rights of the property owners are preserved and in balance with the community goal of keeping the overall biomass on the trees. He suggested that adding verbiage to the permit requirement that addresses current density on a property.

NEW BUSINESS

Discussion and Direction on Sewer Rate Analysis and Action Plan for Sewer Rate Increase, and Resolution Stating Intention to Revise the City's Sewer Charges Effective Fiscal Year 2011-12

Finance Director Fil stated the Council is being asked to review the Sewer Rate Analysis in preparation for setting rates for the following year. He stated that an increase in rates requires a Proposition 218 hearing, which would be set for June. He explained that the proposed rates are in part due to the effect of the recession and the impact of water conservation. He stated that the average rate for the residential customer would increase by 4.6 percent.

John Farnkopf, Consultant, explained that the rate analysis is a projection of expenses and revenues, as well as factoring in the reserves. He stated that the expense projections are based on the City budget, and revenue projections are based on flow. He explained that in the past year there has been a 25 percent decrease in flow, and to offset this decrease, rates need to be raised. He stated that an eight percent annual rate increase is projected for the next five years. He explained that South

Bayside System Authority (SBSA) increases have been projected at a potential of 20 percent from the earlier projected five percent annual increase. He stated that the SBSA increase will be covered with these projections, but will not provide for high reserve balance or paying for many capital projects. He stated that Mid-Peninsula Water projects a two percent increase in flow for 2012. He noted that the \$8 million bond for Capital Projects is factored into the projections.

Discussion ensued regarding the SBSA increase from five percent to a potential 20 percent.

Finance Director Fil stated that the SBSA Board has not taken formal action on the exact amount. He explained that the number would impact Belmont's reserve levels which could be adjusted with future rate increases.

Discussion ensued regarding sewer rate increase projections.

ACTION: Councilmember Lieberman made a motion, seconded by Councilmember Braunstein, to extend the meeting by 30 minutes.

ACTION: Mayor Feierbach made a motion to extend the meeting by fifteen minutes.

Interim City Attorney Kane noted that there was a motion already on the floor.

ACTION: On a previous motion made by Councilmember Lieberman motion to extend the meeting failed to pass by a roll call vote 2-2 (Warden/Feierbach no, Wozniak absent).

At this time being 10:30 P.M. the meeting was adjourned as governed by City Council Protocols.

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**Jozi Plut
Deputy City Clerk**

Meeting Tape Recorded and Videotaped
Audio Recording 789